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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE VENUE

\*E-FILED - 12/7/06\*

UNITED STATES OF AMERICA, ) No. C 04-05415 RMW

**Plaintiff,**

V.

**\$698,743.44 IN NET PROCEEDS FROM  
THE SALE OF 13479 CHALET  
CLOTHILDE DRIVE, SARATOGA,**

**SETTLEMENT STIPULATION AND  
[PROPOSED] FINAL ORDER OF  
FORFEITURE**

**Defendant.**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

No. C 01-20983 RMW

v.

**APPROXIMATELY \$267,781.16 IN  
FUNDS SEIZED FROM CHARLES  
SCHWAB ACCOUNT NO. 7268-1950,**

Defendant.

111

## **STIPULATION**

In full and final settlement of all claims and disputes arising from and related to the captioned forfeiture actions, plaintiff United States of America, and claimants Jim and HAJIA Fan Ni (hereinafter “Heidi Ni”), hereby stipulate and agree as follows:

1. On or about October 19, 2001, the United States filed a civil forfeiture complaint against the defendant \$267,781.16 in Funds Seized from Charles Schwab Account No. 7268-1950 (hereinafter defendant “seized funds”) pursuant to Title 18, United States Code, Section 981.
  2. On or about December 22, 2004, the United States filed a civil forfeiture complaint against the defendant \$698,743.44 in net proceeds from the sale of 13479 Chalet Clothilde Drive, Saratoga, California (hereinafter defendant “net proceeds”) pursuant to Title 18, United States Code, Section 981.
  3. On or about October 26 and November 2, 2001, Jim Ni filed his claim and answer, respectively, to the defendant seized funds.
  4. On or about February 16, 2005, both Jim and Heidi Ni filed claims to the defendant net proceeds.
  5. Sufficient evidence exists for the seizure and forfeiture of all \$267,781.16 of the defendant seized funds and \$298,743.44 of the net proceeds under Title 18, United States Code, Section 981(a)(1)(A) as property involved in money laundering transactions.
  6. Jim and Heidi Ni consent to the forfeiture of all \$267,781.16 of the defendant seized funds and \$298,743.44 of the net proceeds without further notice to them.
  7. All right, title and interest in the defendant seized funds and net proceeds shall be forfeited to the United States of America.
  8. Claimants Jim and Heidi Ni shall hold harmless the United States of America, the Federal Bureau of Investigation, the Immigration and Customs Enforcement and all agents, officers and employees thereof, including any and all state and local law enforcement officers, for any and all acts directly or indirectly related to the seizure, detention and forfeiture of the defendant seized funds and net proceeds.
  9. Each party shall bear its own attorneys fees and costs related to the litigation of these matters.

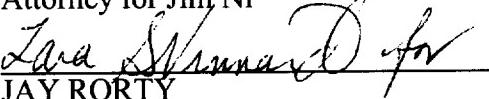
Dated: 11/20/06

  
STEPHANIE MAHINDS  
Assistant United States Attorney

1  
2 Dated: 11/2/06

  
ED ROBINSON  
Attorney for Jim Ni

3  
4 Dated: 10/30/06

  
JAY RORTY  
Attorney for HEIDI NI

5  
6 Dated: 10-30-06

  
HAJA FAN NI (HEIDI NI), Claimant

7  
8 Dated: 10/30/06

  
JIM NI, Claimant

9  
10 **PROPOSED ORDER**

11 Upon consideration of the above settlement stipulation of the parties, and good cause  
12 appearing, the Court hereby finds and orders as follows:

- 13  
14 1. Sufficient evidence exists for the seizure and forfeiture of all \$267,781.16 of the  
15 defendant seized funds and \$298,743.44 of net proceeds pursuant to Title 18, United  
16 States Code, Section 981(a)(1)(A) as property involved in money laundering  
17 transactions.  
18 2. All right, title and interest in all \$267,781.16 of the defendant seized funds and  
\$298,743.44 of net proceeds is hereby forfeited to the United States of America.  
19 3. The United States of America, the Federal Bureau of Investigation, the Immigration  
and Customs Enforcement and all agents, officers and employees thereof, including  
any and all state and local law enforcement officers, shall be held harmless for any  
and all acts directly or indirectly related to the seizure, detention and forfeiture of the  
defendant seized funds and net proceeds.  
20  
21 4. Each party shall bear its own attorneys fees and costs related to the litigation of these  
matters.

22  
23 IT IS SO ORDERED.

24 Dated: 12/7/06

/s/ Ronald M. Whyte  
RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE